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Human rights questions: implementation of human rights instruments

Report of the Third Committee*

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I. Introduction

1. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fifth session the item entitled "Human rights questions: implementation of human rights instruments" and to allocate it to the Third Committee.

2. The Third Committee held a substantive debate on the item at its 31st and 32nd meetings, on 23 and 24 October 2000, and took action at its 37th, 39th, 43rd, 47th and 53rd meetings, on 26 and 27 October and 1, 6 and 9 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/55/SR.31, 32, 37, 39, 43, 47 and 53).

3. For the documents before the Committee under this item, see document A/55/602.

4. At the 31st meeting, on 23 October, the Deputy to the Director of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/55/SR.31).

II. Consideration of proposals

A. Draft resolution A/C.3/55/L.29

5. At the 37th meeting, on 26 October, the representative of Mexico, on behalf of Argentina, Bangladesh, Bolivia, Cape Verde, Colombia, Costa Rica, Cuba, Ecuador,

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Egypt, El Salvador, Guatemala, Mexico, Morocco, Nicaragua, Peru, the Philippines, Senegal, Sierra Leone, Sri Lanka, Uruguay and Yemen, introduced a draft resolution entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" (A/C.3/55/L.29). Subsequently, Azerbaijan, Ghana, Haiti, Honduras, Kenya, Paraguay, Portugal, Tunisia and Turkey joined in sponsoring the draft resolution.

6. At its 47th meeting, on 6 November, the Committee adopted draft resolution A/C.3/55/L.29 without a vote (see para. 16, draft resolution I).

B. Draft resolution A/C.3/55/L.30

7. At the 39th meeting, on 27 October, the representative of Denmark, on behalf of Afghanistan, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Monaco, Mongolia, the Netherlands, New Zealand, Norway, Panama, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela, introduced a draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/55/L.30). Subsequently, Colombia, Eritrea, Ethiopia, Malta, Poland and Sierra Leone joined in sponsoring the draft resolution.

8. At the 47th meeting, on 6 November, the Secretary of the Committee read out a statement from the Controller in connection with the draft resolution (see A/C.3/55/SR.47).

9. At the same meeting, the Committee adopted draft resolution A/C.3/55/L.30 without a vote (see para. 16, draft resolution II).

10. After the adoption of the draft resolution, a statement was made by the representative of the Syrian Arab Republic (see A/C.3/55/SR.47).

C. Draft resolution A/C.3/55/L.31/Rev.1

11. At the 43rd meeting, on 1 November, the representative of Canada, on behalf of Australia, Austria, Bulgaria, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Ecuador, Germany, Greece, Guatemala, Hungary, Iceland, Israel, Italy, Latvia, Lithuania, New Zealand, Norway, Poland, the Republic of Korea, Romania, San Marino, Slovakia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" (A/C.3/55/L.31/Rev.1). Subsequently, Albania, Argentina, Belgium, Croatia, Denmark, Fiji, Finland, France, Georgia, Ireland, Japan, Luxembourg, Malta, Namibia, the Netherlands,

Panama, Portugal, the Republic of Moldova, Slovenia and Ukraine joined in sponsoring the draft resolution.

12. At the 53rd meeting, on 9 November, the Secretary of the Committee made a statement in connection with the draft resolution (see A/C.3/55/SR.53).

13. At the same meeting, the representative of Canada orally revised the text as follows:

(a) Operative paragraph 4, which read:

"4. *Notes* the recommendation of the meeting of chairpersons to hold working-level meetings among representatives of all treaty bodies as a step towards achieving cooperation and harmonization"

was deleted;

(b) Operative paragraph 15, which read:

"15. *Reiterates its concern* about the backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and delays in consideration of reports by the treaty bodies, as well as the large number of overdue reports, and again urges States parties to make every effort to meet their reporting obligations"

was replaced by two paragraphs reading:

"14. *Reiterates its concern* about the persistent backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and delays in the consideration of reports of the human rights treaty bodies;

"15. *Also reiterates its concern* about the large number of overdue reports, and again urges States parties to make every effort to meet their reporting obligations".

14. At the same meeting, the Committee adopted draft resolution A/C.3/55/L.31/Rev.1, as orally revised, without a vote (see para. 16, draft resolution III).

15. Before the adoption of the draft resolution, a statement was made by the representative of Australia (see A/C.3/55/SR.53).

III. Recommendations of the Third Committee

16. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Convention on the Rights of the Child,[5]

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated in segments of many societies by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] Resolution 34/180, annex.
[5] Resolution 44/25, annex.
[6] A/CONF.157/24 (Part I), chap. III.

1. *Expresses its deep concern* at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. *Welcomes* the signature or ratification of or accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. *Calls upon* all Member States, in particular in view of the tenth anniversary of the adoption of the Convention, to consider signing and ratifying or acceding to the Convention as a matter of priority, expresses the hope that it will enter into force at an early date, and notes that, pursuant to article 87 of the Convention, only six ratifications or accessions are still needed for it to enter into force;

4. *Requests* the Secretary-General to provide all the facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. *Welcomes* the global campaign for the entry into force of the Convention, and invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify further their efforts with a view to disseminating information on and promoting understanding of the importance of the Convention;

6. *Also welcomes* the work of the Special Rapporteur on the human rights of migrants in relation to the Convention, and encourages her to continue in this endeavour;

7. *Takes note* of the report of the Secretary-General,[7] and requests him to submit an updated report on the status of the Convention to the General Assembly at its fifty-sixth session;

8. *Decides* to consider the report of the Secretary-General at its fifty-sixth session under the sub-item entitled "Implementation of human rights instruments".

Draft resolution II
Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,[8] article 7 of the International Covenant on Civil and Political Rights,[9] the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[10] and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and

[7] A/55/205.
[8] Resolution 217 A (III).
[9] See resolution 2200 A (XXI), annex.
[10] Resolution 3452 (XXX), annex.

accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all its subsequent relevant resolutions,

Recalling that freedom from torture is a right that must be protected under all circumstances, including in times of internal or international disturbance or armed conflict,

Recalling also that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,[11]

Urging all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[12] in particular the section relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights, such as torture, and prosecute such violations, thereby providing a firm basis for the rule of law,[13]

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling also the recommendation in the Vienna Declaration and Programme of Action that high priority should be given to providing the necessary resources to assist victims of torture and effective remedies for their physical, psychological and social rehabilitation, inter alia, through additional contributions to the Fund,[14]

Noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of victims of torture, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

Mindful of the proclamation by the General Assembly in its resolution 52/149 of 12 December 1997 of 26 June as the United Nations International Day in Support of Victims of Torture,

1. *Condemns* all forms of torture, including through intimidation, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. *Stresses* that all allegations of torture or other cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including

[11] A/CONF.157/24 (Part I), chap. III, sect. II, para. 61.
[12] Ibid., chap. III.
[13] Ibid., sect. II, paras. 54-61.
[14] Ibid., para. 59.

the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts obtain redress and are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation;

3. *Draws the attention* of Governments to the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment annexed to the present resolution, and strongly encourages Governments to reflect upon the Principles as a useful tool in efforts to combat torture;

4. *Notes with appreciation* that one hundred and twenty-two States have become parties to the Convention;

5. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority;

6. *Invites* all States ratifying or acceding to the Convention and those States that are parties to the Convention and have not yet done so to consider joining the States parties that have already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

7. *Urges* all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

8. *Urges* States parties to comply strictly with their obligations under the Convention, including their obligation to submit reports in accordance with article 19 of the Convention, in view of the high number of reports not submitted, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

9. *Emphasizes* the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

10. *Stresses*, in this context, that States must not punish personnel referred to in paragraph 9 above for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

11. *Welcomes* the work of the Committee, and takes note of the report of the Committee,[15] submitted in accordance with article 24 of the Convention;

12. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to continue to provide, at the request of Governments, advisory services for the preparation of national reports to the Committee and for the prevention of torture, as well as technical assistance in the development, production and distribution of teaching material for this purpose;

13. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

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[15] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 44* (A/55/44).

14. *Urges* the inter-sessional open-ended working group of the Commission on Human Rights on the development of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to complete as soon as possible a final text for submission to the General Assembly, through the Economic and Social Council, for consideration and adoption;

15. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment,[16] describing the overall trends and developments with regard to his mandate, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture;

16. *Invites* the Special Rapporteur to continue to examine questions of torture and other cruel, inhuman or degrading treatment or punishment directed against women and conditions conducive to such torture, and to make appropriate recommendations for the prevention and redress of gender-specific forms of torture, including rape or any other form of sexual violence, and to exchange views with the Special Rapporteur on violence against women, its causes and consequences, with a view to enhancing further their effectiveness and mutual cooperation;

17. *Also invites* the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations for the prevention of such torture;

18. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, in particular by supplying all necessary information requested by him, to react appropriately and expeditiously to his urgent appeals and to give serious consideration to his requests to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations;

19. *Approves* the methods of work employed by the Special Rapporteur, in particular with regard to urgent appeals, reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, invites him to continue to seek the views and comments of all concerned, in particular Member States, and expresses its appreciation for the discreet and independent way in which he continues to carry out his work;

20. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by Governments to his recommendations, visits and communications, including progress made and problems encountered;

21. *Stresses* the need for the continued regular exchange of views between the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

[16] A/55/290.

22. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

23. *Stresses* the importance of the work of the Board of Trustees of the Fund, and appeals to all Governments and organizations to contribute annually to the Fund, preferably by 1 March before the annual meeting of the Board of Trustees of the Fund, if possible with a substantial increase in the level of contributions, so that consideration may be given to the ever-increasing demand for assistance;

24. *Requests* the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund and to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

25. *Also requests* the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and in its efforts to make better known the existence of the Fund and the financial means currently available to it, as well as in its assessment of the global need for international funding of rehabilitation services for torture victims and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

26. *Further requests* the Secretary-General to ensure the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

27. *Invites* donor countries and recipient countries to consider including in their bilateral programmes and projects relating to the training of armed forces, security forces, prison and police personnel, as well as health-care personnel, matters relating to the protection of human rights and the prevention of torture and to keep in mind a gender perspective;

28. *Calls upon* all Governments, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

29. *Requests* the Secretary-General to submit to the Commission on Human Rights at its fifty-seventh session and to the General Assembly at its fifty-sixth session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and a report on the operations of the United Nations Voluntary Fund for the Victims of Torture;

30. *Decides* to consider at its fifty-sixth session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment.

Annex

Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

1. The purposes of effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment (hereafter torture or other ill-treatment) include the following:

(a) Clarification of the facts and establishment and acknowledgement of individual and State responsibility for victims and their families;

(b) Identification of measures needed to prevent recurrence;

(c) Facilitating prosecution and/or, as appropriate, disciplinary sanctions for those indicated by the investigation as being responsible, and demonstrating the need for full reparation and redress from the State, including fair and adequate financial compensation and provision of the means for medical care and rehabilitation.

2. States shall ensure that complaints and reports of torture or ill-treatment are promptly and effectively investigated. Even in the absence of an express complaint, an investigation shall be undertaken if there are other indications that torture or ill-treatment might have occurred. The investigators, who shall be independent of the suspected perpetrators and the agency they serve, shall be competent and impartial. They shall have access to, or be empowered to commission investigations by, impartial medical or other experts. The methods used to carry out such investigations shall meet the highest professional standards and the findings shall be made public.

3. (a) The investigative authority shall have the power and obligation to obtain all the information necessary to the inquiry.[17] The persons conducting the investigation shall have at their disposal all the necessary budgetary and technical resources for effective investigation. They shall also have the authority to oblige all those acting in an official capacity allegedly involved in torture or ill-treatment to appear and testify. The same shall apply to any witness. To this end, the investigative authority shall be entitled to issue summonses to witnesses, including any officials allegedly involved, and to demand the production of evidence.

(b) Alleged victims of torture or ill-treatment, witnesses, those conducting the investigation and their families shall be protected from violence, threats of violence or any other form of intimidation that may arise pursuant to the investigation. Those potentially implicated in torture or ill-treatment shall be removed from any position of control or power, whether direct or indirect, over complainants, witnesses and their families, as well as those conducting the investigation.

4. Alleged victims of torture or ill-treatment and their legal representatives shall be informed of, and have access to, any hearing, as well as to all information relevant to the investigation, and shall be entitled to present other evidence.

[17] Under certain circumstances, professional ethics may require information to be kept confidential. These requirements should be respected.

5. (a) In cases in which the established investigative procedures are inadequate because of insufficient expertise or suspected bias, or because of the apparent existence of a pattern of abuse or for other substantial reasons, States shall ensure that investigations are undertaken through an independent commission of inquiry or similar procedure. Members of such a commission shall be chosen for their recognized impartiality, competence and independence as individuals. In particular, they shall be independent of any suspected perpetrators and the institutions or agencies they may serve. The commission shall have the authority to obtain all information necessary to the inquiry and shall conduct the inquiry as provided for under these Principles.[17]

(b) A written report, made within a reasonable time, shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. Upon completion, the report shall be made public. It shall also describe in detail specific events that were found to have occurred and the evidence upon which such findings were based and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection. The State shall, within a reasonable period of time, reply to the report of the investigation and, as appropriate, indicate steps to be taken in response.

6. (a) Medical experts involved in the investigation of torture or ill-treatment shall behave at all times in conformity with the highest ethical standards and in particular shall obtain informed consent before any examination is undertaken. The examination must conform to established standards of medical practice. In particular, examinations shall be conducted in private under the control of the medical expert and outside the presence of security agents and other government officials.

(b) The medical expert shall promptly prepare an accurate written report, which shall include at least the following:

(i) Circumstances of the interview: name of the subject and name and affiliation of those present at the examination; the exact time and date; the location, nature and address of the institution (including, where appropriate, the room) where the examination is being conducted (e.g., detention centre, clinic, house, etc.); the circumstances of the subject at the time of the examination (e.g., the nature of any restraints on arrival or during the examination, the presence of security forces during the examination, the demeanour of those accompanying the prisoner, threatening statements to the examiner, etc.); and any other relevant factors;

(ii) History: a detailed record of the subject's story as given during the interview, including alleged methods of torture or ill-treatment, the times when torture or ill-treatment is alleged to have occurred and all complaints of physical and psychological symptoms;

(iii) Physical and psychological examination: a record of all physical and psychological findings on clinical examination, including appropriate diagnostic tests and, where possible, colour photographs of all injuries;

(iv) Opinion: an interpretation as to the probable relationship of the physical and psychological findings to possible torture or ill-treatment. A

recommendation for any necessary medical and psychological treatment and/or further examination shall be given;

(v) Authorship: the report shall clearly identify those carrying out the examination and shall be signed.

(c) The report shall be confidential and communicated to the subject or his or her nominated representative. The views of the subject and his or her representative about the examination process shall be solicited and recorded in the report. It shall also be provided in writing, where appropriate, to the authority responsible for investigating the allegation of torture or ill-treatment. It is the responsibility of the State to ensure that it is delivered securely to these persons. The report shall not be made available to any other person, except with the consent of the subject or on the authorization of a court empowered to enforce such transfer.

Draft resolution III
Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 53/138 of 9 December 1998, as well as other relevant resolutions, and taking note of Commission on Human Rights resolution 2000/75 of 27 April 2000,[18]

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[19]

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights,[20] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the human rights treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Recalling that the effectiveness of the human rights treaty bodies in encouraging the realization by States parties of their obligations under United Nations human rights instruments requires constructive dialogue aimed at assisting States parties in identifying solutions to human rights problems, which should be

[18] See *Official Records of the Economic and Social Council, 2000, Supplement No. 23* (E/2000/23), chap. II, sect. A.

[19] A/CONF.157/24 (Part I), chap. III.

[20] Resolution 217 A (III).

based on the reporting process supplemented by information from all relevant sources, which should be shared with all interested parties,

Recalling also the initiatives taken by a number of human rights treaty bodies to elaborate early warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence or recurrence of serious human rights violations,

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Promoting the effective functioning of the periodic reporting by States parties to those instruments;

(b) Securing sufficient financial, human and information resources for the Office of the United Nations High Commissioner for Human Rights to enable the human rights treaty bodies to carry out their mandates effectively, including in regard to their ability to work in the applicable working languages;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications when elaborating any further instruments on human rights;

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[21]

1. *Welcomes* the submission of the reports of the persons chairing the human rights treaty bodies on their eleventh[22] and twelfth[23] meetings, held at Geneva from 31 May to 4 June 1999 and from 5 to 8 June 2000, respectively, and takes note of their conclusions and recommendations;

2. *Encourages* each treaty body to continue to give careful consideration to the relevant conclusions and recommendations contained in the reports of the persons chairing the human rights treaty bodies and, in this context, encourages enhanced cooperation and coordination between the treaty bodies;

3. *Welcomes* the initiative of the persons chairing the human rights treaty bodies of inviting representatives of Member States to participate in a dialogue within the framework of their meetings, and encourages them to continue this practice in the future;

4. *Welcomes* the comments by Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons on the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system[24] and the report of the Secretary-General thereon;[25]

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[21] A/55/278.

[22] A/54/805, annex.

[23] A/55/206, annex.

[24] E/CN.4/1997/74, annex.

[25] E/CN.4/2000/98 and Add.1.

5. *Emphasizes* the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each human rights treaty body, while making the most efficient use of existing resources, in order to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(b) Calls upon the Secretary-General to seek, in the next biennium, the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information without diverting resources from the development programmes and activities of the United Nations;

(c) Welcomes the plans of action prepared by the United Nations High Commissioner for Human Rights to enhance the resources available to all the human rights treaty bodies and thereby strengthen the implementation of the human rights treaties, and encourages all Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons to consider contributing to the appeal for extrabudgetary resources for the treaty bodies made by the High Commissioner until the regular budget funding meets their needs;

6. *Encourages* ongoing efforts to identify measures for more effective implementation of the United Nations human rights instruments;

7. *Takes note* of the measures taken by each of the human rights treaty bodies to improve their functioning, as reflected in their respective annual reports, and encourages continuing efforts by the treaty bodies and the Secretary-General to assist States parties in meeting their reporting obligations and to reduce the backlog in the consideration of reports by the treaty bodies;

8. *Welcomes* the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and encourages the Secretary-General, the treaty bodies and the persons chairing the treaty bodies at their next meeting to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and ways of generally reducing the reporting burden on States parties, including through an ongoing examination of proposals for reports focused on a limited range of issues, the harmonization of the general guidelines regarding the form and content of reports, the possibility of consolidating overdue reports, the timing of consideration of reports and the methods of work of the treaty bodies;

9. *Calls upon* the Secretary-General to complete as soon as possible the detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[26] the International Covenant on Civil and Political Rights,[26] the International Convention on the Elimination of All Forms of Racial Discrimination,[27] the Convention on the Elimination of All Forms of Discrimination against Women,[28] the Convention on the Rights of the Child[29] and

[26] Resolution 2700 A (XXI), annex.
[27] Resolution 2106 A (XX), annex.
[28] Resolution 34/180, annex.
[29] Resolution 44/25, annex.

the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[30] which is being prepared with a view to identifying duplication of reporting required under those instruments;

10. *Urges* States parties to contribute, individually and through meetings of States parties, to identifying practical proposals and ideas for improving the functioning of the human rights treaty bodies;

11. *Welcomes* the publication of the revised *Manual on Human Rights Reporting*,[31] and encourages the updating of the *Manual* to reflect new developments in the field of human rights, including the adoption of new instruments;

12. *Underlines* the importance of providing technical assistance to a State, upon its request, in the process of ratifying human rights instruments and in the preparation of its initial and subsequent reports;

13. *Welcomes* the work done by the Secretary-General to compile in a single volume all the general guidelines regarding the form and content of reports to be submitted by States parties that have been issued by the human rights treaty bodies, and encourages the Secretary-General to also compile the rules of procedure for the treaty bodies;

14. *Reiterates its concern* about the persistent backlog of reports on the implementation by States parties of certain United Nations instruments on human rights and delays in the consideration of reports of the human rights treaty bodies;

15. *Also reiterates its concern* about the large number of overdue reports, and again urges States parties to make every effort to meet their reporting obligations;

16. *Urges* all States parties whose reports have been examined by human rights treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

17. *Encourages* the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties, and encourages States parties to consider carefully the concluding observations of the treaty bodies in identifying their needs for technical assistance;

18. *Urges* each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the human rights treaty bodies;

19. *Welcomes* the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and encourages the specialized agencies and other United Nations bodies, the Commission on Human Rights, including its special procedures, and the Subcommission on the Promotion and Protection of Human Rights, the Office of the United Nations High Commissioner for Human Rights and the persons chairing the human rights treaty bodies to continue to explore specific measures to intensify this cooperation between them and to improve communication and information flow in order to further improve the quality of their work, including by avoiding unnecessary duplication;

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[30] Resolution 39/46, annex.

[31] United Nations publication, Sales No. E.GV.97.0.16.

20. *Recognizes* the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

21. *Recalls*, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution and gender balance of the membership and to the representation of the principal legal systems and of bearing in mind that the members shall be elected and shall serve in their personal capacity and shall be of high moral character, acknowledged independence and recognized competence in the field of human rights, and encourages States parties, individually and through meetings of States parties, to consider how to give better effect to these principles;

22. *Takes note* of the discussion of the payment of honorariums to the members of the human rights treaty bodies included in the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[21] and of other work being done by the Secretary-General on this subject, and encourages Member States to consider possible follow-up;

23. *Encourages* the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, other United Nations bodies and the specialized agencies to consider the feasibility of participation by representatives of the human rights treaty bodies in their meetings;

24. *Welcomes* the continuing emphasis by the persons chairing the human rights treaty bodies on closely monitoring the enjoyment of the human rights of women within the purview of their mandates;

25. *Also welcomes* the contributions of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties;

26. *Invites* the Secretary-General to submit the reports of the persons chairing the human rights treaty bodies on their periodic meetings to the General Assembly at its fifty-seventh session;

27. *Requests* the Secretary-General to report to the General Assembly at its fifty-seventh session on measures taken to implement the present resolution, on obstacles to its implementation and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

28. *Decides* to continue to give priority consideration at its fifty-seventh session to the conclusions and recommendations of the persons chairing the human rights treaty bodies at their periodic meetings, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".